

any fire, or fire and marine, or marine insurance company, which is legally licensed to transact the business of fire and marine insurance in this State, to place or cause to be placed, to write or cause to be written, any contract or policy of insurance against loss by fire, or the perils of the sea, on any property in this State, except through legally authorized and licensed agents, resident in the State, and prescribing penalties for violation of same, and to further prescribe conditions to be complied with by any fire, or fire and marine, or marine insurance company, before it shall be licensed or re-licensed by the Commissioner to do business in this State."

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians."

Senate bill No. 362, a bill to be entitled "An act to amend article 1537 of chapter 2, title 32, of the Revised Civil Statutes, adopted and established by the Twenty-fourth Legislature in regular session in 1895, relating to the powers and duties of commissioners courts."

Senate bill No. 212, entitled "An act to provide a penalty for the failure or refusal of any president, vice-president, cashier, of a national bank, to furnish the tax assessor, or the deputy tax assessor, a correct statement of the assets and liabilities of the national bank of which such person is president, vice-president or cashier."

Senate bill No. 267, entitled "An act to amend article 1706 of the Revised Civil Statutes of the State of Texas, regulating the place of holding elections in cities and towns."

House bill No. 442, a bill to be entitled "An act to amend article 4908 of the Revised Statutes of the State of Texas, and to provide that constables in towns and cities of 2500 inhabitants may appoint one deputy."

House bill No. 567, a bill to be entitled "An act to amend sections 9, 11, 18, 19, 21, 32 and 44 of an act entitled 'An act to incorporate the city of Denison and to fix the boundaries thereof, etc.,' passed March . . . 1891, to provide for the election of aldermen and other officers of said city by the people, and for fixing their compensation; to provide for the filling of vacancies in said offices; prescribing the duties of the city secretary, and fixing his compensation; to vest in the city council only the power to contract debts for

the city and to appropriate money to pay the same; and to repeal all laws or parts of laws inconsistent with this act."

On motion of Senator Beall, the Senate adjourned to 10 a. m. Monday, by the following vote:

Yeas—12.

Atlee.	Greer.
Beall.	Harrison.
Colquitt.	Lewis.
Darwin.	Stafford.
Dibrell.	Turney.
Goss.	Wayland.

Nays—10.

Burns.	Rogers.
Gough.	Ross.
Linn of Victoria.	Stone.
Linn of Wharton.	Woods.
Morriss.	Yantis.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Kerr.	Tillett.
Neal.	Yett.

Excused.

Boren.

## NINETY-SECOND DAY.

Senate Chamber,

Austin, Texas, Monday, May 10.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Bailey.	Morriss.
Beall.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Linn of Victoria.	

Absent.

Atlee.	Neal.
Bowser.	Terrell.
Dibrell.	Tillett.
Harrison.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Excused.

Boren.

Prayer by the Rev. Dr. Wright of Austin, as follows:

Almighty and Everlasting God: We thank Thee for the rest of the Sab-

bath day, and we pray Thee that refreshed and strengthened thereby these Thy servants may have especial wisdom and guidance in the duties of the day and the week. May Thy blessing rest upon the Legislature of the State of Texas; give, grant this Senate wisdom so to legislate that their deliberations shall be for the peace, honor and safety of the people; that the foundations of truth, equity and prosperity may be laid deep and strong among us; may the lives and health of these Thy servants all needed blessings for this life, and be precious in Thy sight; grant them for that which is to come. May Thy Divine blessing rest upon Thy servant, the Governor of this commonwealth, and all associated with him in authority; grant that the laws may be made and executed and interpreted in Thy fear, so that we may be that people whose God is the Lord, exalted by righteousness, and not ruined by sin. We ask all these blessings in the name of our Lord Jesus Christ, to whom, with the Father and Spirit, be glory everlasting. Amen.

On motion of Senator Wayland, the Senate took a recess till 11 o'clock.

#### AFTER RECESS.

Roll called. Quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Goss.	Stafford.
Gough.	Stone.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	

#### Absent.

Atlee.	Terrell.
Bowser.	Tillett.
Dibrell.	Yantis.
Harrison.	Yett.
Neal.	

#### Excused.

Boren.

At the direction of the Chair, the following communication was read:

Executive Office,  
Austin, May 8, 1897.

Col. Will Lambert, Secretary of the Senate:

Dear Sir.—Having been advised that the list of notaries public sent to the Senate on the 6th instant is be-

ing changed in various ways, I beg to invite your attention to it, and to state that the appendix to the Senate Record containing the list of notaries should correspond precisely with the list as sent from this office by message to the Senate. If any corrections are desired to be made, any new names added or names taken off the list, application should be made to me for that purpose, where the matter will be considered. No commission will issue to any person as notary whose name is not sent to the Senate by message from this office.

Very respectfully,

C. A. CULBERSON,  
Governor.

Pending reading of the Journal of of Saturday.

On motion of Senator Bailey, the same was dispensed with.

On motion of Senator Darwin,

Senator Bailey was excused for non-attendance on Friday and Saturday last, on account of important business.

On motion of Senator Beall,

Senator Harrison was excused for to-day, on account of important business.

On motion of Senator Burns,

Senator Terrell was excused for non-attendance on Saturday last and to-day, on account of important business.

#### BILLS AND RESOLUTIONS.

By Senator Stafford:

Whereas, the Honorable Richard Coke, ex-Governor, ex-United States Senator for Texas, and one of the most faithful servants of the people, is now lying very low in sickness at his home; therefore be it

Resolved, that we, as the representatives of the people, extend to him and his family our tenderest sympathies, and pray for his speedy recovery. No servant of our people has been more faithful to his trust, and no man in Texas is closer to the people's hearts.

Resolution read, and

On motion of Senator Stone, unanimously adopted.

The Chair announced that the hour fixed for the Senate to enter into executive session had arrived.

On motion of Senator Greer, the executive session was postponed till 12 m. to-day.

By Senator Gough:

Whereas, the Hon. Alvin C. Owsley, of Denton, a distinguished lawyer and

prominent citizen of Texas, and an honored member of the Twenty-first, Twenty-second, and Twenty-fourth Legislatures, is now in the city, therefore be it

Resolved, that the privileges of the Senate be extended to him, and that he be invited to a seat by the President of the Senate.

Adopted, and Senator Gough appointed to escort the gentleman to a seat with the President.

Call concluded.

On motion of Senator Bailey, the regular order of business was suspended to take up on its second reading,

Senate bill No. 333, a bill to be entitled "An act to provide for the Comptroller of the State of Texas to prescribe a uniform system of assessment blanks and tax rolls for the various counties, etc., and to amend article 2839, title 52, of the Revised Statutes of the State of Texas."

Bill read second time, and ordered engrossed.

On motion of Senator Linn of Wharton, the regular order of business was suspended to take up on second reading,

Senate bill No. 340, a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 39, 116, 127, 132d and 174, and by adding thereto sections 73c, 73d, 90a, 132d, 132e, 174a, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i and 188j."

The bill was read second time and ordered engrossed.

On motion of Senator Rogers, the regular order of business was suspended to take up on third reading,

House bill No. 79, "An act to prevent immoral publications, and to prevent the sale, giving away or distribution of such publications, making a violation thereof a felony, prescribing a penalty therefor, and declaring an emergency."

Bill read third time and passed.

Senator Turney called up

Senate bill No. 158, a bill to be entitled "An act to amend article 3328, chapter 4, title 66 of the Revised Statutes of the State of Texas, and article 4651, chapter 3, title 96 of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts, for the conditional sale, lease or hire of railroad equipment and rolling stock,"

Which had passed the House with

an amendment, and moved that the Senate concur in said amendment.

Concurred.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 279, a bill to be entitled "An act declaring the theft of cotton over the value of \$20 a felony, and under the value of \$20 a misdemeanor, and fixing a penalty therefor."

House bill No. 264, a bill to be entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, slung shot, sword-cane, spear or knuckles made of any metal or hard substance to minors, etc., without consent of parent, etc., and providing for penalties for violation," etc.

Also, of the adoption by the House of Senate joint resolution No. 19, permitting Judge Connor to leave the State for 60 days, etc.

Also, that the House refuses to adopt the report of the free conference committee on House bill No. 539, "An act making appropriations for deficiencies," etc, and asks that another free conference committee be appointed to act in conjunction with a like committee from the House, and appoints on committee on part of the House Messrs. Dean, Blair, Pfeuffer, Stamper and Drew.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

#### IN SENATE.

The above reported House bill No. 279 was read first time and referred to Judiciary Committee No. 2.

Senator Woods moved to suspend the regular order of business to take up

Senate bill No. 34, a bill to be entitled "An act to repeal title 82 of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act, to license physicians and surgeons and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas."

No quorum, the following voting:

Yeas—10.

Bailey.  
Beall.

Burns.  
Colquitt.

Goss.	Turney.
Greer.	Wayland.
Lewis.	Woods.

Nays—6.

Darwin.	Morriss.
Kerr.	Ross.
Linn of Victoria.	Stone.

Absent.

Atlee.	Presler.
Bowser.	Rogers.
Dibrell.	Stafford.
Gough.	Tillett.
Linn of Wharton.	Yantis.
Neal.	Yett.

Excused.

Boren.	Terrell.
Harrison.	

On motion of Senator Turney, the Senate adjourned to 3 p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Roll called. No quorum, the following Senators answering to their names:

Lieutenant Governor Jester in the chair.

Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Rogers.
Darwin.	Stafford.
Goss.	Wayland.
Gough.	Woods.
Greer.	

Absent.

Atlee.	Presler.
Bowser.	Ross.
Colquitt.	Stone.
Dibrell.	Tillett.
Kerr.	Turney.
Lewis.	Yantis.
Morriss.	Yett.
Neal.	

Excused.

Boren.	Terrell.
Harrison.	

Senator Bailey moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Presler.
Darwin.	Rogers.
Goss.	Stafford.
Gough.	Wayland.
Greer.	Woods.

Absent.

Atlee.	Neal.
Bowser.	Ross.
Colquitt.	Stone.
Dibrell.	Tillett.
Kerr.	Turney.
Lewis.	Yantis.
Morriss.	Yett.

Excused.

Boren.	Terrell.
Harrison.	

(Senator Rogers in the chair.)

Senator Kerr was announced.

The Chair ordered the roll called to ascertain whether or not there was a quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Goss.	Stafford.
Gough.	Stone.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	

Absent.

Atlee.	Tillett.
Bowser.	Yantis.
Dibrell.	Yett.
Neal.	

Excused.

Boren.	Terrell.
Harrison.	

Quorum present.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has appointed the following free conference committee on Senate bill No. 1: Messrs. Bell, Meade, Randolph, Dies, Neighbors.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Senator Wayland sent up the following free conference committee report:

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

Your free conference committee, to whom was referred

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith,"

Together with the House amendments thereto, have had the same under consideration, and beg to report the same back, together with the following substitute hereto attached, and recommend that the said substitute be adopted in lieu of said bill and amendments thereto.

All of which is respectfully submitted.

WAYLAND,  
WOODS,  
TERRELL,  
KERR,  
GREER,

On part of the Senate.

CARPENTER,  
DEAN,  
BOYD,  
LOVE,  
McKAMY,

On part of the House.

Free conference committee substitute for Senate bill No. 83, a bill to be entitled "An act to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the clerk of the county court, county judge, county attorney, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the clerks of the district court, district attorneys, county attorneys and sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more.

Sec. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of \$8. For each transcript on appeal or change of venue, 8 cents for each 100 words. For each felony case finally disposed of without trial or dismissed or nolle prosequi entertained, \$8. For recording each account of sheriff, 50 cents. For entering judgment in habeas corpus cases, 80 cents, and for taking down testimony and preparing transcript in habeas corpus cases, 8 cents for each

100 words, but the fees in habeas corpus cases shall in no event exceed \$8 in any one case.

Sec. 3. The district or county attorneys shall receive the following fees:

1. For all convictions in cases of felonious homicide, when the defendant does not appeal or dies or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$40.

2. For all other convictions of felony when the defendant does not appeal or dies or escapes after appealing and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$24; provided, that in all convictions of felony where by the verdict and judgment the defendant is confined in the House of Correction and Reformatory, the fee of the district or county attorney shall be \$12.

3. For representing the State in each case of habeas corpus where the defendant is charged with felony, the sum of \$16.

Sec. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or capias, or for making arrest without warrant when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provided for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For summoning jury in each case where jury is actually sworn in, \$1.60.

4. For executing death warrant, \$40.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses, when traveling by railroad, 8 cents; when traveling otherwise than by railroad, 12 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing he shall only be allowed 8 cents a mile for each additional prisoner; provided further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 cents; provided,

that in no case shall he be allowed to duplicate his mileage; when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip, he shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional only as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his accounts shall show the facts.

7. To officers for services of criminal process not otherwise provided for, the sum of 4 cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in subdivision 6 shall apply.

8. For conveying a witness attached by him to any court, or in a habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, \$1 per day for each day actually and necessarily consumed in going and returning from such courts, and his actual necessary expenses by the nearest practical route or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid and length of time consumed, and amount paid out for feeding horses, and to whom. If meals and lodging were provided, from whom and when, and prices paid; provided, that officers shall not be entitled to receive exceeding 50 cents per meal, and 35 cents per night for lodging for any witness. Said account shall also show, before said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witness to the foreign court, he carried each of them before the magistrate nearest the place of serving the attach-

ment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness; and said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular, and present same to the judge, who shall, during such term of court, carefully examine such account, and if found to be correct, in whole or in part, shall so certify and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute a part of the proceedings or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due and the same shall then constitute a voucher, on which the Comptroller is authorized to issue a warrant; and such minutes of the court or a certified copy thereof may be used in evidence against the officer making the affidavit, for perjury, in case said affidavit shall be willfully false. When the officer receiving the writ for the attachment of such witness shall take a bond for the appearance of such witness, he shall be entitled to receive from the State \$1 for each bond taken; but he shall be responsible to the court issuing said writ that said bond is in proper form and had been executed by the witness with one or more good or solvent securities, and said bond shall in no case be less than \$100; provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held at which sufficient evidence was taken upon which

to find the indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for other witnesses not to exceed the number for which the sheriff may receive pay as provided for below, to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before a grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court.

9. For attending a prisoner on habeas corpus, for each day \$1.60, together with the mileage as provided in subdivision 5, when removing such prisoner out of the county under an order issued by a district or appellate judge.

Sec. 5. All fees accruing under this act shall be due and payable at the close of each term of the district court after approval, except as provided in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in all cases where the defendant shall be finally convicted of a misdemeanor the sheriff or constable shall be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such case, and such sheriff or constable and their bondsmen shall be responsible to the State for such sums.

Sec. 6. In cases where the defendant is indicted for a felony and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

Sec. 7. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county, on all sums of \$2,000,000 or less, 5 cents for each one hundred dollars worth of property assessed; and for all sums over \$2,000,000 and less than \$5,000,000, 2 cents on each one hundred dollars; and on all sums over \$5,000,000, 1½ cents on each one hundred dollars. Two-thirds of the above fees shall be paid by the State and one-third by the

county; and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners court may allow to the assessor of taxes such sums of money, to be paid monthly from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 8. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first ten thousand dollars of tax collected, and 4 per cent on the next ten thousand dollars collected for the State, and 1 per cent on all collections over that sum; for collecting the county taxes, 5 per cent on the first five thousand dollars of such taxes collected, and 4 per cent on the next five thousand dollars collected, and 1¼ per cent on all such taxes collected over that sum; and in counties owing subsidies to railroads, the collectors shall receive only 1 per cent for collecting such railroad tax; and in cases where property is levied on and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales, and on all occupation and license taxes collected, 5 per cent.

Sec. 9. Hereafter the maximum amount of fees that may be retained by any officer mentioned in this section as compensation for services shall be as follows, viz: County judge, an amount not exceeding \$2000 per annum; clerk of the county court, an amount not exceeding \$2000 per annum; county attorney, an amount not exceeding \$2000 per annum; and in addition thereto one-fourth of the excess of the fees collected by such officers respectively. Provided, that up to A. D. 1902 in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter in counties shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amounts shall be allowed: County judge, an amount not exceeding \$2250 per annum; clerk of the county court,

an amount not exceeding \$2250 per annum; county attorney, an amount not exceeding \$2250 per annum, and in addition thereto one-fourth of excess of fees collected by such officers respectively; provided further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes, or that by the census of A. D. 1900 shall contain as many as 37,500 inhabitants, the following amounts shall be allowed, viz: County judge, an amount not exceeding \$2500 per annum; clerk of the county court, an amount not exceeding \$2500 per annum; county attorney, an amount not exceeding \$2500 per annum, and in addition thereto one-fourth of the excess of fees collected by such officers respectively. Last national census shall govern as to population of cities. Provided, that in counties where the county judge acts as superintendent of public instruction he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of \$600 per annum.

Sec. 10. The amounts allowed to each officer mentioned in section 9 of this act may be retained out of fees collected by him under existing law, but in no case shall the State or county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of and deputy or deputies. Each officer mentioned in the preceding section shall at the close of each fiscal year make to the district court of the county in which he resides a sworn statement, showing the amount of fees collected by him during the fiscal year, and the amount of fees charged and not collected, and by whom due, and the number of deputies or assistants employed by him during the year, and the amounts paid or to be paid each. And all fees collected during the fiscal year in excess of the maximum and of the one-fourth of the excess of the maximum amounts allowed for their services and for the services of their deputies hereinafter provided for shall be paid into the treasuries of their respective counties; provided, that any officer mentioned in section 9 of this act who does not collect the maximum of his fees for any fiscal year, and who reports delinquent fees for that year, shall be entitled to retain, when collected, such a part of said delinquent

fees as is sufficient to complete the maximum compensation for the year in which said delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid to the county treasurers when collected.

Sec. 11. Whenever the county clerk shall require the services of a deputy or deputies in the performance of his duties, or whenever the county attorney shall require an assistant or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same, and the county judge shall issue, either in term time or vacation, an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said officer. The county clerk or county attorney applying for appointment of a deputy or deputies or an assistant or assistants shall make affidavit that they are necessary for the efficiency of the public service, and the county judge may require in addition a statement showing the need of such deputies or assistants, and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to-wit: First assistant or chief deputy not to exceed a rate of \$1200 per annum; others not to exceed a rate of \$900 per annum. The county judge, in issuing his order granting authority to appoint deputies or assistants, shall state in such order the number of deputies authorized, and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office to which said deputy or assistant may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 9 of this act.

Sec. 12. All fees due and not collected, as shown in the reports required by section 10 of this act, shall be collected by the officer to whose office the fees accrue, and out of such part of said delinquent fees as may be due the county. The officer making such collection shall be entitled to 10 per cent of the amounts collected by him, and the remainder shall be paid into the county treasury. It shall not be lawful for any officer to remit any fee

that may be due under the law fixing fees.

Sec. 13. Any officer mentioned in section 9 of this act who shall fail to charge up the fees or cost that may be due under existing laws, or who shall remit any fee that may be due under the law, or who shall fail to make the report required in section 10 of this act, or who shall pay his deputy or assistant a less sum than the amount specified in the order of the court authorizing such deputy or assistant, or who shall receive back any part of such compensation allowed such deputy or assistant as a rebate, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500.

Sec. 14. It is not intended by this act that the commissioners court shall be debarred from allowing compensation for ex-officio services to county officials in excess of the maximum, when in their judgment such compensation is necessary; provided, such compensation for ex-officio services shall not exceed the amounts now allowed under the law for ex-officio services. And in those counties where the fees of office do not amount to the sums allowed under this act to the county attorney, county judge, and county clerk, the commissioners court are hereby authorized to pay for ex-officio services such sums as they may deem just and right. All sums received by such officers not to exceed, when added to the fees retained by such officers, the maximum amount allowed to be retained under the provisions of this act; provided, that in such counties the commissioners court may allow the county attorney for ex-officio services a sum not to exceed \$300 per annum; and provided further, the fees allowed by law to county clerks and county attorneys in suits to collect taxes shall be in addition to the maximum salaries fixed by this act.

Sec. 15. It shall be the duty of those officials named in section 9 of this act to keep a correct statement of the sums coming into their hands as fees and commissions, and in a book to be provided by them for that purpose, in which the officer, at the time any fees or moneys come into his hands, shall enter the same, and it shall be the duty of the grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district court next succeeding the 30th day of November

of each year, and make a report on same to the district court at the conclusion of the grand jury session.

Sec. 16. The officers named in section 9 of this act in those counties having a population of 12,500 or less, shall not be required to make a report of fees as provided in section 10 of this act, the population of the county to be determined by the vote cast at the last preceding general election, on the basis of five inhabitants for each vote cast at such election.

Sec. 17. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 18. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill and the very crowded condition of the calendar, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read in three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

Senator Wayland moved that the above report and bill be printed; and that action on same be postponed until to-morrow.

So ordered.

On motion of Senator Bailey, the ular order of business was suspended to take up on third reading,

Senate bill No. 34, a bill to be entitled "An act to repeal title 82 of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act, to license physicians and surgeons and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas."

Bill read third time.

By Senator Colquitt:

Amend by adding to section 12 the following: "Provided, that nothing in this act shall be construed to prevent Christian Scientists from practicing their well known methods of healing."

Senator Greer made the point of order that the amendment was not in order, for the reason that an amendment of similar import had already been adopted.

Sustained.

Pending action on final passage,

Senator Ross called for a reading of the bill in full, pending which,

On motion of Senator Bailey, same was dispensed with.

On the final passage of the bill, Senator Darwin raised the point of no quorum, which necessitated a roll call on the passage of the bill.

The bill was passed by the following vote:

Yeas—13.

Bailey.	Presler.
Beall.	Stafford.
Burns.	Stone.
Goss.	Turney.
Gough.	Wayland.
Greer.	Woods.
Lewis.	

Nays—7.

Darwin.	Morriss.
Kerr.	Rogers.
Linn of Victoria.	Ross.
Linn of Wharton.	

Absent.

Atlee.	Tillett.
Bowser.	Yantis.
Neal.	Yett.

Excused.

Boren.	Terrell.
Harrison.	

Yeas.	Paired.	Nays.
Colquitt.	Dibrell.	

Mr. President: I vote "no" Senate bill No. 34 because I consider it a monstrosity, the cause for whose existence, its parentage, being a divided regular profession of educated doctors, as a father, and the mother being a mixed animal of unknown genealogy, deformed and decrepit, and unworthy of existence, much less of recognition among a people claiming the advantages of civilization in the Nineteenth century. I earnestly protest my innocence to a misguided public, when I may be accused of helping to place upon our statute books such a misshapen thing. MORRISS.

Senator Woods moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

The following committee reports were made:

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 275, a bill to be entitled "An act to amend subdivision 8, of article 1083 of the Code of Criminal Procedure of the State of Texas, relating to fees in certain cases."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 344, a bill to be entitled "An act to limit the effect of immaterial clauses in life and fire insurance contracts and policies, and to provide that such statements by the assured as are not material and do not increase the risk of insurance shall be considered as representations and not as warranties, and shall not avoid contracts of insurance."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 292, entitled "An act making it unlawful for any fire or fire and marine or marine insurance company which is legally licensed to transact business of fire and marine insurance in this State to place or cause to be placed, to write or cause to be written any contract or policy of insurance against loss by fire or the perils of the sea on any property in this State except through legally authorized and licensed agents resident in the State, and prescribing penalties for violation of same, and to further prescribe conditions to be complied with by any fire, or fire and marine, or marine insurance company before it shall be licensed or relicensed by the Commissioner to do business in this State."

And find the same correctly enrolled, and have this day at 12:05 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 267, a bill to be entitled "An act to amend article 1706 of the Revised Statutes of the State of Texas, relating to the place of holding elections in cities and towns."

And find the same correctly enrolled, and have this day, at 12:05 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 79, entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardian,"

And find the same correctly enrolled, and have this day, at 12:05 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 362, being "An act to amend article 1537, chapter 2, title 32, of the Revised Civil Statutes of Texas, adopted and established by the Twenty-fourth Legislature in regular session, 1895, relating to the powers and duties of commissioners courts."

And find the same correctly enrolled, and have this day at 12:05 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 212, a bill to be entitled "An act to provide a penalty for the failure or refusal of any president, vice president, or cashier of a national bank to furnish the tax assessor or the deputy tax assessor a correct statement of the assets and liabilities of the national bank of which such person is president, vice president or cashier."

And find the same correctly enrolled, and I have this day, at 12:05 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

(Lieutenant Governor Jester in the chair.)

On motion of Senator Linn of Wharton, the regular order of business was suspended, to take up on second reading.

House bill No. 391, a bill to be entitled "An act to relinquish the title and confirm the patents to certain lands therein named."

Bill read second time, and passed to third reading.

Senator Burns sent up the following free conference committee report:

Committee Room,  
Austin, Texas, May 8, 1897.

Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House:

Your free conference committee on Senate bill No. 33 have had the same under consideration, with House amendments thereto, and have agreed as follows, to-wit:

That the Senate agree to all of the House amendments, except House amendment No. 5, and that the House agree to recede from House amendment No. 5; and further, that House amendment No. 3, which reads as follows, "Amend by striking out lines 30, 31 and 32, on page 2, and lines 1, 2 and 3, on page 3," be so amended as to read as follows: "Provided, that any purchaser of such products from the owner thereof shall acquire a good title thereto, unless he has at the time of the purchase actual or constructive notice of the claim of such lien holder upon such products, said constructive notice to be given by record of such claim, as provided for in this act or by suit filed."

It is further agreed that the caption of the bill shall be amended by striking out that provision relating to attorney's fees, so that the same may harmonize with the agreements reached by unanimous action of your committee representing both houses.

All of which is respectively submitted.

MEADE,  
SEABURY,  
PEERY,  
DIES,

On part of the House.

BURNS,  
GOUGH,  
ROGERS,  
DARWIN,

On part of the Senate.

On motion of Senator Burns, the above report was adopted.

Senator Darwin moved that the Senate go into executive session on the Governor's appointments (notaries public) at 11 a. m. to-morrow.

Senator Greer moved as a substitute that the Senate go into executive session at 11 a. m. Thursday next.

Adopted.

Senator Colquitt moved to reconsider the vote by which the substitute motion was adopted.

Reconsidered.

Senator Colquitt then moved as a substitute for Senator Greer's motion that the Senate go into executive session at 11 a. m. to-morrow.

Adopted.

Senator Greer offered the following:  
Resolved by the Senate, that the Secretary of the Senate shall be required to call the roll of the officers, clerks and pages of the Senate upon each convening of the Senate, and that the pay of any officer, clerk or page who is absent without excuse be docked for the day of his absence.

By Senator Stafford:

Amend by adding "porters."

Senator Beall moved to table the amendment.

Tabled.

Senator Stafford moved to reconsider the vote by which the amendment was tabled.

Reconsidered by the following vote:

Yeas—14.

Burns.	Linn of Wharton.
Colquitt.	Morriss.
Darwin.	Presler.
Goss.	Rogers.
Kerr.	Stafford.
Lewis.	Turney.
Linn of Victoria.	Woods.

Nays—7.

Bailey.	Ross.
Beall.	Stone.
Gough.	Wayland.
Greer.	

Absent.

Atlee.	Tillett.
Bowser.	Yantis.
Dibrell.	Yett.
Neal.	

Excused.

Boren.	Terrell.
Harrison.	

Senator Gough made the point of order that a majority affirmative vote to table could not be reconsidered.

Sustained.

Action recurring on the resolution,

Senator Bailey offered to substitute as follows:

Resolved, that the Assistant Sergeant-at-Arms be instructed to report to the Secretary each day the clerks and pages and porters who are absent, and that their salary for said day be deducted from their pay.

By Senator Beall:

Amend by adding the word "officers" before the word "clerks."

Senator Bailey accepted the amendment, and same was adopted.

Substitute resolution adopted.

Pending action on adopting the resolution as substituted,

Senator Colquitt offered to amend as follows:

Amend by striking out "Assistant Sergeant-at-Arms," and inserting "Secretary."

Adopted.

The resolution as substituted and amended was then adopted.

Senator Beall called up the free conference committee report on

House bill No. 539, "An act making an appropriation for deficiencies in the appropriations heretofore made for the payment of expenses for the support of the State government from March 1, 1895, to February 28, 1897, and for previous years,"

And moved to adopt same.

Adopted.

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.

Senate joint resolution No. 19, a resolution permitting Hon. T. H. Connor, judge of the Forty-second judicial district of Texas, to leave the limits of the State for a period of sixty days.

Senate bill No. 158, a bill to be entitled "An act to amend article 3328 of chapter 4, title 66, of the Revised Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts, for the conditional sale, lease or hire of railroad equipment and rollingstock."

On motion of Senator Stafford, Postmaster of the Senate T. H. Napier was excused for to-day, to-morrow, and Wednesday, on account of important business.

On motion of Senator Lewis, Sergeant-at-Arms C. H. Allen was excused until Thursday, on account of important business.

On motion of Senator Goss, the regular order of business was suspended to take up on second reading.

House bill No. 263, a bill to be entitled "An act to prohibit persons en-

gaged in running pool or billiard tables in a public place, or for profit, permitting minors in or about their places of business without the written consent of their parents or guardians, and to provide a penalty therefor."

The bill was read second time, and passed to a third reading.

Senator Gough called up the request of the House for the appointment of a second free conference committee to consider the differences of the two houses on House bill No. 539 (deficiency appropriation bill, see House message, morning session), and moved that said request be granted.

Carried.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has adopted the free conference committee report on House bill No. 413.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The following committee report was made:

Committee Room,

Austin, Texas, May 10, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 264, a bill to be entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, slungshot, sword-cane, spear, or knuckles made of any metal or hard substance, etc., to any minor without the written consent of the parent or guardian of such minor, or some one standing in lieu thereof, and providing a penalty therefor for the violation,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

On motion of Senator Linn of Victoria,

Senator Kerr was excused for non-attendance on Saturday last, on account of important business.

On motion of Senator Wayland, the Senate adjourned to 10 a. m. tomorrow.

## NINETY-THIRD DAY.

### Senate Chamber,

Austin, Texas, Tuesday May 11.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Turney.
Harrison.	Wayland.
Linn of Victoria.	Woods.

### Absent.

Bowser.	Neal.
Dibrell.	Presler.
Gough.	Stone.
Greer.	Tillett.
Kerr.	Yantis.
Lewis.	Yett.

### Excused.

Boren.

Prayer by the Rev. J. W. Lowber, as follows:

Our Father in Heaven: We thank Thee that Thou hast established Thy kingdom in this world. May we all in harmony with the instruction of our Master seek first the kingdom of God and His righteousness. May we truly be worthy citizens of the kingdom of heaven. Thou hast made us in Thine own image, and may we never deface this image. We thank Thee for the State as well as the family and church, and may we also recognize the fact that the State is also a divine institution. Continue to bless our great country. May we reach the highest Christian civilization. Bless especially the commonwealth of Texas, the greatest of our States. May all departments of our State government receive Thy special favor. Bless the Senate this morning. May all its members be God-fearing men, and do everything they can to advance the true interest of the people. Now take us into a sacred relationship to Thyself. Guide us by Thy council through life, and when the present life is consummated may we be prepared for a never-ending life in Thy eternal kingdom, we ask in Christ's name. Amen.

Senators Lewis and Gough were announced.

Senator Bailey moved a call of the